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The space of the courtroom and the role of geographical evidence in the Punjab Boundary Commission hearings, July 1947

HANNAH FITZPATRICK

School of Geography and Sustainable Development, University of St. Andrews,
St. Andrews, UK

Address: 1 Drummond Street, Edinburgh, EH8 9XP

Email: hannah.fitzpatrick@ed.ac.uk

Abstract

This paper examines the geographies of Partition through an analysis of the Punjab Boundary Commission hearings of July 1947. The paper asks: what happens when geographical expertise is transported from 'the field' to courtrooms and government offices? I argue that geography was transformed, and was managed and limited by the legal framework that judged evidence according to its own rules. Examining select records of the Punjab Boundary Commission, I argue that the courtroom created certain assumptions about the nature and role of evidence in boundary-making negotiations. Rather than applying evidence to create a workable boundary, evidence was put to work in often contradictory ways in order to lend competing political claims an air of geographical authority.

Keywords: Boundary, Lahore, Punjab Boundary Commission, Partition, geographical, O.H.K. Spate

Introduction

On 3 June 1947, Lord Mountbatten, the last viceroy of India, announced via All India Radio that India would be partitioned into two states upon its independence from the Britain. Indian

representatives in the legislatures in Bengal, Punjab, and certain other provinces in northern India where Muslims held majorities would vote on behalf of these Muslim populations to decide the fate of the subcontinent: would they be partitioned into two countries, or would they choose to join, as single units, one country or the other?¹ This was the first stage in determining the line of the boundaries, ultimately deciding on behalf of the populations of both new states the rough contours of the future borders. Mountbatten proclaimed that in the event of a vote in favour of partition in the two largest Muslim-majority provinces, Punjab and Bengal, 'a Boundary Commission [will] be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned'.² Jawaharlal Nehru, leader of the Congress Party, suggested that the two Boundary Commissions should be made up of four Indian members of 'high judicial standing', nominated by the Indian National Congress and the Muslim League, and overseen by a neutral chairman.³ All parties agreed to the appointment of Cyril Radcliffe, a successful and highly-regarded British lawyer, as chairman of the Boundary Commissions.

This emphasis on legal and judicial expertise, rather than geographical or civil service expertise, for composition of the Boundary Commissions is interesting, albeit unsurprising. In recent important revisions of Partition history, the specific lack of geographical expertise is noted by Lucy Chester, Yasmin Khan, and Joya Chatterji. All point to this particular lacuna in the Boundary Commission as one possibility for the particularly spectacular failure of the border to function effectively as a means for stemming violence and instigating normal diplomatic relations between the two states of Pakistan and India.⁴ However, this relative

¹ Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (New Haven/London: Yale University Press, 2007), p. 2.

² *Ibid.*

³ Mian Muhammad Sadullah, *The Partition of the Punjab, 1947: A Compilation of Official Documents* (Lahore: National Documentation Centre, 1983).

⁴ Lucy P. Chester, *Borders and Conflict in South Asia: The Radcliffe Boundary Commission and the Partition of Punjab* (Manchester: Manchester University Press, 2009); Khan, *The Great Partition*; and

absence of geographical expertise during the negotiations was in keeping with British colonial boundary-making practice. In fact in 1916, the British military geographer, Thomas Holdich, who had served the Empire in Central Asia during the late nineteenth and early twentieth centuries, took issue with the fact that judges and politicians were often tasked with boundary-making, a job he believed should be done by geographers and surveyors who had experience studying and working in the regions of interest.⁵

Scholars have noted the importance of geographical concepts such as territory and homelands in the study of Partition (including Reece Jones, in his work on the territorialisation of Hindu nationalism in pre-Partition Bengal),⁶ and this paper contributes to this literature by highlighting the ways in which the law mediates, sharpens and brings into legal existence certain nationalist narratives of territory. However, the paper also analyses the role of the legal spaces in which those narratives were relayed in formal negotiations over Indian territory. Legal geography makes the case that the space of the courtroom itself is an important component of a geographical analysis of the Partition process in India, and an appreciation of this space goes some way to explaining how geographical data and geographical thinking were positioned, both within the debate and in the final award.⁷ However, the process by which geographical data was inserted into the legal framework of the two Boundary Commissions was not simply one of subordination, but was a more complicated process of collection, selection, consolidation and, crucially, interpretation.

Joya Chatterji, 'The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape, 1947', in *Modern Asian Studies*, Vol. 33, no. 1 (January 1999), pp. 185–242.

⁵ Thomas Hungerford Holdich, *Political Frontiers and Boundary Making* (London: Macmillan and Co. Limited, 1916).

⁶ Reece Jones, 'Whose Homeland? Territoriality and Religious Nationalism in Pre-Partition Bengal', in *South Asia Research*, Vol. 26, no. 2 (1 July 2006), pp. 115–31; and Gyanesh Kudaisya, *Region, Nation, 'Heartland': Uttar Pradesh in India's Body Politic* (New Delhi: SAGE Publishing India, 2006).

⁷ Alex Jeffrey, 'Legal Geography 1: Court Materiality', in *Progress in Human Geography*, (December 2017) doi:10.1177/0309132517747746.

Scholars including David Delaney, Nicholas Blomley, Irus Braverman and Alexandre Kedar, among many others, have developed significant interdisciplinary insights into the loose subfield of literature termed legal geographies.⁸ They acknowledge and probe the ways in which geography and law shape each other, how each brings to bear on the other questions that are otherwise overlooked. Vera Chouinard writes that geographical concepts can illuminate the ways in which the law works, writing: ‘Law is deeply geographic and political: shaping people’s territories and access to diverse spaces of living, and perpetuating and sometimes challenging lived relations of oppression’.⁹ ‘Law’s space’, she says, ‘threads its way throughout our daily lives’.¹⁰ Similarly, David Delaney notes that ‘attending to the legal with greater scrutiny allows researchers to discern how things of interest to geographers happen (or fail to happen), and that this can open up fruitful lines of inquiry that foregoing the legal forecloses’.¹¹ While this paper is not a legal geography of Partition as such (being less concerned with legal interpretations of the key documents and maps associated with the final Award), it is concerned with the interactions between geography and the law that the partition process created.

Geographers John Donaldson and Alison Williams note that the practical work of boundary commissions is often ultimately understood as legal work, but they remind us that

⁸ Nicholas K. Blomley and Joel C. Bakan, ‘Spacing Out: Towards a Critical Geography of Law’, in *Osgoode Hall Law Journal*, Vol. 30 (1992), pp. 661–90; Nicholas K. Blomley and Gordon L. Clark, ‘Law, Theory, and Geography’, in *Urban Geography*, Vol. 11, no. 5 (1 September 1990), pp. 433–46; Nicholas Blomley and Joshua Labove, ‘Law and Geography’, in James D. Wright (ed.), *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)* (Oxford: Elsevier, 2015), pp. 474–8; Irus Braverman, Nicholas Blomley, David Delaney and Alexandre Kedar, *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford: Stanford University Press, 2014); David Delaney, ‘Legal Geography I: Constitutivities, Complexities, and Contingencies’, in *Progress in Human Geography*, Vol. 39, no. 1 (1 February 2015), pp. 96–102; and David Delaney, ‘Legal Geography II: Discerning Injustice’, in *Progress in Human Geography*, Vol. 40, no. 2 (April 2016), pp. 267–74.

⁹ Vera Chouinard, ‘Geography, Law and Legal Struggles: Which Ways Ahead?’, in *Progress in Human Geography*, Vol. 18, no. 4 (1 December 1994), p. 430.

¹⁰ *Ibid.*

¹¹ David Delaney, ‘Legal Geography I: Constitutivities, Complexities, and Contingencies’, in *Progress in Human Geography*, Vol. 39, no. 1 (1 February 2015), p. 97.

geographical ideas and practices are deployed in boundary-making processes, and are central to arbitrating legal border disputes even if the ‘geography’ of it all is not highlighted. Such understandings of bordering have permeated the discipline for at least a century, although the problem was usually framed in terms of a perceived correlation between scientific objectivity and political neutrality (in crude terms, the more accurate and scientific the survey, the better the data, which in turn led to a more trustworthy legal process, which itself engendered a less politically-charged solution). In 1916, for example, despite his belief that technical experts should be more involved in boundary-making processes, Thomas Holdich insisted that ‘a boundary arbitration is always a political function’.¹² Around the same time, the American geographer and expert in boundary-making, Stephen B. Jones, argued that geographical and judicial discourses are deeply intertwined, and their entwining is essential to the delimitation stage of boundary-making.¹³

Charles Withers and David Livingstone ask, in the introduction to their volume *Geographies of Nineteenth Century Science*, ‘How does science travel—within and between communities of practitioners, for example, or from “expert” to “lay” audiences?’¹⁴ Or, in this case, what effects did the transfer of geographical science from the hands of geographers to the desks of legal scholars have on the partition process in the Punjab? The courtroom functioned as a ‘venue’, in David Livingstone’s terms, for the production of and debate around the legal, political and geographical knowledges that framed the partition process. He writes: ‘Here [in the courtroom] decisions are settled about what passes as scientific knowledge, how it should be acquired, and the means by which claims are warranted. In these

¹² Holdich, *Political Frontiers and Boundary Making*.

¹³ Stephen Barr Jones, *Boundary-Making: A Handbook for Statesmen, Treaty Editors and Boundary Commissioners* (Washington, D.C.: Carnegie Endowment for International Peace, 1945).

¹⁴ David N. Livingstone and Charles W.J. Withers, *Geographies of Nineteenth-Century Science* (Chicago: University of Chicago Press, 2011), p. 2.

venues practitioners absorb the core values, convictions, and conventions of their tradition of inquiry'.¹⁵

The history of geography in the colonies, examined by Withers, Edney, Clayton, Barrow and others, demonstrates that the proper space of geographical science was a careful network composed of unmapped and uncharted territory where engineers and surveyors would practise their science, and the cartographer's studio (from the Survey of India headquarters, to British mapmaking outfits such as John Bartholomew's, based in Edinburgh), where mapmakers would construct engraved and lithographed maps from the data they received from practitioners in the field.¹⁶ This transformed data would then be published and disseminated back into the field to be used by colonial officers and scientists in the administration and governance of the territory. Such a network construed the practice of geography in the colonies as a science conducted in service of the colonial state; by the turn of the century, official geography had largely become the science of territorial organisation and administration.

What happens, then, when such geographical expertise is transported from 'the field' to the very different spaces of courtrooms and government offices, where legal and judicial expertise are applied in the assessment of geographical materials? More curiously, what happens when the geography of the colonial state is mobilised for the purpose of dismantling that same colonial state? I argue in this paper that the courtroom and the legal discourse of the boundary commissions transforms geographical data, especially maps, into evidence, and

¹⁵ David N. Livingstone, *Putting Science in Its Place: Geographies of Scientific Knowledge* (Chicago: University of Chicago Press, 2010), p. 18.

¹⁶ Charles Withers, 'On Enlightenment's Margins: Geography, Imperialism and Mapping in Central Asia, c.1798–c.1838', in *Journal of Historical Geography*, Vol. 39, no. n/a (1 January 2013), pp. 3–18; Matthew H. Edney, *Mapping an Empire: The Geographical Construction of British India, 1765–1843* (Chicago: University of Chicago Press, 1997); Daniel Clayton, *Islands of Truth: The Imperial Fashioning of Vancouver Island* (Vancouver: UBC Press, 2000); Ian J. Barrow, *Making History, Drawing Territory: British Mapping in India, c.1756–1905* (Oxford: Oxford University Press, 2004); and D. Graham Burnett, *Masters of All They Surveyed: Exploration, Geography, and a British El Dorado* (Chicago: University of Chicago Press, 2000).

puts that evidence to work in political ways. Geography was not absent in the Boundary Commission hearings, but was transformed, and made useful to both the political will of the various parties involved and the lawyers and justices who judged such evidence according to the rules and norms of the practice of law.

The rest of this paper will examine in detail select historical records of the Punjab Boundary Commission alongside the records of the British geographer Oskar Spate, who was best known for his work on Southeast Asia and Fiji, and who was employed as an independent advisor to one of the Muslim delegations in the Punjab. Paying close attention to maps and geographical arguments, I argue that the courtroom gave rise to certain assumptions about the nature and role of evidence, particularly cartographic evidence (presented as maps and spatial data), in the context of boundary-making negotiations, and that these assumptions shaped not only the final Award, but also the historiography of the high politics of Partition. Rather than providing a clear and objective rationale for a specific boundary line, the cartographic evidence presented to the Punjab Boundary Commission translated political and economic claims into territorial claims, obscuring the geographical questions of units, majority populations, and environmental and infrastructure issues. In other words, rather than applying evidence for the purpose of creating a workable boundary, the evidence was put to work in often contradictory ways in order to lend political claims geographical authority.

In fact, instead of facilitating the adoption of a universally acknowledged representation of the territory at stake, the maps deployed in the courtroom often muddled the waters. Competing political claims, couched in the language and visual imagery of objective geographical science, were placed before the Boundary Commission on an equal footing and, in keeping with the institutional norms and practices of the courtroom, the justices were left to adjudicate not only on the relative truth of each claim, but also on the influence that such truth should have on the final Award. In other words, the geographical evidence should be

considered, but its authority should not be considered absolute, especially if it led to a recommendation that would be difficult to justify politically. This was especially important during the partition process, partly because many claims were made not just on the basis of geographical evidence, but also on historical, affective, spiritual and human rights grounds. In the case of the Punjab, the *geographical evidence* on its own happened to support the Muslim League claim in most instances, but such evidence was often in competition with these other forms of authority.¹⁷ The analysis that follows, which examines some of the materials presented to the Punjab Boundary Commission, probes the myriad ways in which geographical data was collated, articulated and ultimately politicised in the Lahore High Court.

The Punjab Boundary Commission Hearings

The Punjab and Bengal Boundary Commissions were formed on 30 June 1947. Each commission comprised four Indian judges: in Bengal, two judges were Hindu and two were Muslim, while in the Punjab, one judge was Sikh, one was Hindu (both nominated by the Congress) and two were Muslim. Radcliffe was also assisted by two secretaries who had been members of the Indian Civil Service, Christopher Beaumont and Rao V.D. Ayer. The hearings began on Monday 21 July 1947 and were held concurrently in the High Courts of Lahore and Calcutta. The Punjab Boundary Commission received fifty-one official claims and heard arguments over the course of ten long days. While the official discourse in the Punjab was dominated by the concerns of the Muslim League, the Congress and the Sikhs, representatives testified on behalf of the Punjab's Christian communities, the Scheduled Castes (Dalits, formerly called 'untouchables'), the Ahmaddiya community, and others

¹⁷ O.H.K. Spate, 'The Partition of India and the Prospects of Pakistan', in *Geographical Review*, Vol. 38, no. 1 (1 January 1948), pp. 5–29.

whose interests were deemed by the government to be relevant to the Boundary Commission's deliberations.

The Congress case was presented by a Parsi lawyer, M.C. Setalvad, while the Muslim League case was presented by an Ahmadi lawyer, Muhammad Zafrullah Khan. Each case was developed by a delegation of members from each side. To build their arguments, they gathered as much evidence as they could, drawing on gazetteers, ethnologies and other academic sources, government reports, census data, population statistics and maps. Each delegation submitted its own memorandum to the Boundary Commission and much of this information was made available to the other parties.

The role of professional geographers (either academic or military) was minimal throughout the hearings, although a number of Indian geographers, including Kazi S. Ahmad, were involved in the preparation of materials. Interestingly, the geographer Oskar Spate, known amongst Anglophone geographers for his significant contributions to regional geography and Southeast Asian studies, acted as advisor to the Muslim League in the Punjab in advance of and throughout the hearings in Lahore. Spate had been hired by the Ahmaddiya community in London to assist the League with devising a geographically robust argument for the inclusion of the town of Qadian, their religious and political headquarters, in Pakistan. His descriptions of the courtroom, and his views on the limited role of geographical expertise, have been cited by a number of historians recently.¹⁸ For the most part, however, his diaries have been used to set the scene, to describe the atmosphere, and to shore up claims that, had the geography been done better, the violence and trauma that accompanied Partition might have been mitigated. This paper takes a different approach: Spate's materials (and, more fundamentally, his presence) explicitly demonstrate the ways in which the courtroom

¹⁸ Gyanesh Kudaisya, 'Divided Landscapes, Fragmented Identities: East Bengal Refugees and Their Rehabilitation in India, 1947-79', in *Singapore Journal of Tropical Geography*, Vol. 17, no. 1 (1996), pp. 24-39; and Chester, *Borders and Conflict in South Asia*.

hearings transformed geographical data into evidence, to be applied for the purpose of political persuasion. In so doing, Spate's material is repositioned, functioning less as an authoritative voice on the drama of the moment of partition than casting him more as a figure of his own time, a demonstration of how evidence and experts are fashioned into tools to be wielded by multiple interested and competing parties.

Yasmin Khan notes that the volume of information submitted to the Boundary Commission, and the detailed arguments delivered by each delegation, contributed to 'heightened expectations' among the public.¹⁹ Oskar Spate attended some of the hearings (he missed some sessions in order to prepare materials for the Muslim League delegation) and commented on his observations and experiences in the courtroom. He wrote in his diaries: 'Found right court-room by observing concentration of armed police. Gothicy room, fairly cool...big dais with shabby royal arms; usual dust and general air of stuffy archives'.²⁰ The space was judicial, rather than technical. The maps and supplementary materials that formed the basis for the claims were brought to the courtroom from the homes and offices where they had been compiled and organised. Many leaders and interested parties attended both sessions, bringing much of the political debate with them. Khan notes that a number of 'prominent Leaguers had gathered' in Lahore to discuss the League's approach to their claim: 'The centre of political gravity was shifting from New Delhi to the offices and front rooms of clerks, petty officials, policemen and administrators'.²¹ The courtroom drama of the Partition hearings necessarily constructed the border in a particular set of ways in order to make the data and the territory legible. Critical work on other partition contexts can help to illuminate

¹⁹ Khan, *The Great Partition*, p. 108.

²⁰ Papers of Oskar Spate, MS 7886, 12, 6-1-1, National Library of Australia, Canberra.

²¹ Khan, *The Great Partition*, p. 105.

the courts' difficulties in making sense of the volume, complexity and often contradictory nature of the raw data at hand.

It is this process that transforms data into evidence. Eyal Weizman, for example, writes eloquently about the legal battles surrounding Israel's separation wall, observing that during some of these trials, the use of a three-dimensional, scale topographic model of the wall and border regions in the courtroom 'helped [the court] arrive at a verdict on the "behaviour" of the wall itself'.²² The model itself was 'like a toy', 'an agent in the discussion' that took place in the courtroom. The model simplified the spatial enormity and complexity of the wall—turned it into 'a reduced world under control'.²³ Weizman argues that the model 'both provided the object of debate and instigated the specific language with which this debate could take place'. The three-dimensional map of the wall became the means by which the wall came to be known and understood within the legal and juridical terms of the court; it 'generated the geographical grammar for "the law" to shape physical reality'.²⁴ The process of negotiation, and the presentation of varying positions and viewpoints was, of course, crucial to the courtroom proceedings. 'The route's folds, stretches, wrinkles and bends plotted the relative force of different participants brought to bear on it by the different parties and the relative force of their arguments'.²⁵

In the Punjab in 1947, the putative border was in some ways constructed through a similar process of visual and oral presentation and argument. Beginning with a notional boundary line, published as part of the 3 June 1947 radio announcement, the proposed borders (all of which were modifications to the notional line) were presented on maps and in oral presentations to the justices of the Commission. The future border, to use Weizman's

²² Eyal Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (London/New York: Verso, 2012).

²³ *Ibid.*, p. 72.

²⁴ *Ibid.*, p. 73.

²⁵ *Ibid.*, p. 77.

words, was at once an object of debate and a means of creating a 'geographical grammar' for 'the law' to re-shape physical reality. The courtroom itself, and the way it put the putative border and boundary-making practices on trial, so to speak, was integral to the way different elements of boundary-making were to be implemented. Oskar Spate recognised this when he wrote in his diary that the Muslim League's original proposed boundary was perhaps most accurate in its representation of population and resource distribution, but would be too conservative as a starting point for courtroom bargaining. Spate encouraged the League to expand its claims, on the assumption that Radcliffe would employ compromises and trades in his final Award. The presentation of legal arguments by the various political parties and their representatives, bolstered by the use of cartographic and statistical evidence, created the conditions whereby three potential boundaries were considered and negotiated on: the notional boundary, the Muslim League line, and the Congress-Sikh line. As Weizman writes of the Israeli security wall: 'It is in this context that the wall started appearing as a "political plastic"—a spatial product made and remade as political forces assume physical form, a diagram of the balance between the forces that shape it'.²⁶ Similarly, the India-Pakistan border itself became a form of 'political plastic' within the courtroom, shaped and moulded by the meeting of competing claims and political forces in front of the Boundary Commission.

The Battle of the Maps

The partition process in the Punjab was both a cartographic and legal conundrum, where majority populations did not fit neatly along economic, political, religious or environmental lines. For Stephen B. Jones, the American boundary-making expert, technical aspects of boundary-making were of limited use when it came to dealing with this particular kind of

²⁶ *Ibid.*

population issue, and he surmised that in particularly difficult situations population transfers might be the only solution.²⁷ While he argued that population transfer should always be avoided if possible, he was unable to deal effectively with the technical impossibility of boundaries that were to be drawn along population lines, but which, due to historical, social and physical factors, were impossible to actually implement. In such cases, rather than finding an alternative to a single boundary, populations might have to be moved in order to make the reality on the ground match the legal reality depicted on the map.

Maps from the Survey of India Office (Figure 1) show in great detail both the diversity of the population and the unity of the infrastructure in the Punjab, illustrating the myriad sacred sites and religious centres, rivers, canals and railways that connected and organised the province. The Punjab Boundary Commission faced the complex problem of how to divide what the British had spent nearly a century developing into a unified state.²⁸ The Punjab was the last region of India to be annexed by the British government and, since 1849, had been subject to a number of large-scale colonial development projects, including an extensive canal system designed to increase the province's agricultural productivity and an enlarged railway network. The canal system had contributed both to the growth of a unified system of waterways and to the reorganisation of the Punjabi population through the granting of land in newly-fertile regions in western regions of the province. Many Sikhs who had served in the First World War had taken advantage of government land grants after returning to the Punjab from Europe in 1919.²⁹

Commented [FH1]: Added ref to Fig 1!

²⁷ Jones, *Boundary-Making*.

²⁸ Manu Goswami, *Producing India: From Colonial Economy to National Space* (Chicago: University of Chicago Press, 2004).

²⁹ Tan Tai Yong, *The Garrison State: Military, Government and Society in Colonial Punjab, 1849–1947* (New Delhi/Thousand Oaks, CA: SAGE Publications Pvt. Ltd, 2005).

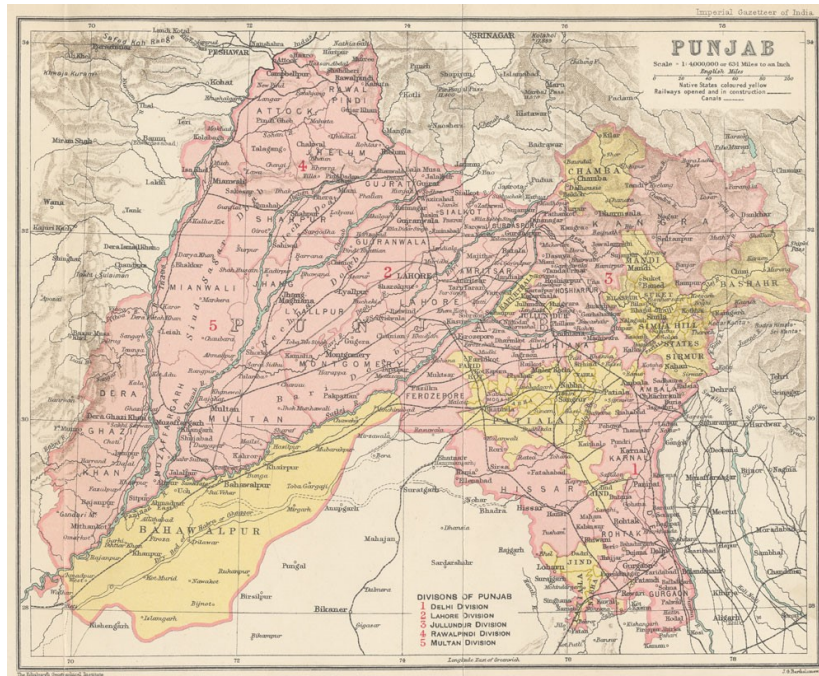


FIGURE 1. Map of the Punjab. The disputed central belt of the Punjab encompassed the Lahore Division (2) and the Jullundur Division (3). Source: Hunter et al., *Imperial Gazetteer of India*, Vol. 26 (Oxford: Oxford University Press, 1931), p. 34.

Spate had a keen interest in railways as strategic entities—as conduits for movement, lines of military defence, and means of establishing border continuity.³⁰ The Muslim League drew on Spate’s information to bolster its attempt to maximise access to resources via the railways and canal system. Canal headworks featured prominently in its arguments about territorial continuity; the Muslim League feared that having canal headworks in one country, while most of the water from the headworks flowed through the other country, could cause immense difficulties, especially given the population distribution of the Punjab.³¹ However

³⁰ Sadullah, *The Partition of the Punjab*, 1947.

³¹ Indeed, such concerns were well founded, because water disputes have remained a challenging issue for diplomacy in the subcontinent since Partition. Daniel Haines, ‘Disputed Rivers: Sovereignty,

the question of canals—their headworks and courses—did not align with the mandate for partition which was based on majority areas. For example, Pathankot, a district in northern central Punjab bordering Kashmir and Gurdaspur was a contested area during the negotiations because the Madhopur headworks on the Ravi River were located there. Pathankot and most of Gurdaspur were awarded to India, while most of the Ravi River flowed through territory awarded to Pakistan.

The colonial government of the Punjab had drawn and published some population maps before 1940; the most accurate and widely available to the researcher were those included in *The Imperial Gazetteer of India* Atlas volumes. It was in the context of the courtroom, as the delegations constructed and presented their arguments to the Boundary Commissions, that this colonial data (and the bordering mentalities it engendered), originally collected and disseminated for the purposes of colonial administration, were mobilised in new ways for the purpose of constructing the new boundary along international, rather than colonial, lines.

The first edition of the *Gazetteer* to include an atlas volume was published in 1909, and was updated in 1931. Using maps drawn primarily by the Survey of India office, the atlases were prepared in Britain by John G. Bartholomew. These maps depicted in cartographic form much of the geographical information contained within the volumes of *The Imperial Gazetteer of India*. They presented geological and climate data; population data showing the breakdown of the Indian population based on such categories as race, religion and language (Figure 2); infrastructural and administrative data (including canal routes, railway lines, military divisions, and economic resources); and historical maps. All of this

Territory and State-Making in South Asia, 1948–1951’, in *Geopolitics*, Vol. 19, no. 3 (3 July 2014), pp. 632–55; and Amit Ranjan, ‘Disputed Waters: India, Pakistan and the Transboundary Rivers’, in *Studies in Indian Politics*, Vol. 4, no. 2 (1 December 2016), pp. 191–205.

had been designed primarily to illustrate the expansion and consolidation of British power across the subcontinent. But in 1947 it serviced to expedite decolonisation. Critical cartography, which conceptualises maps not only in terms of the technical and practical aspects of their creation and application, but also in terms of the political and social conditions that underpin both the creation and the substantive form of the map, suggests that we might probe the possibilities and the limits of a single set of maps to see how it serves these two distinct purposes.³² While the colonial origin of the data may not have been a significant reason for the failure of Partition to stem communal violence, a post-colonial reading of the maps requires some consideration of the question. If the data itself both produces and is produced by colonial knowledge, as Cohn, Metcalfe, Edney, Appadurai, and others have argued in various ways, how effective can such data be in re-ordering the post-colonial nation-state?³³

³² J.B. Harley, 'Deconstructing the Map', in *Cartographica*, Vol. 26, no. 2 (Summer 1989), pp. 1–20.

³³ Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, NJ: Princeton University Press, 1996); Arjun Appadurai, 'Number in the Colonial Imagination', in C.A. Breckenridge and P. van der Veer (eds), *Orientalism and the Post-Colonial Predicament* (Philadelphia: University of Pennsylvania Press, 1993); Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1994); and Edney, *Mapping an Empire*.



FIGURE 2: Map of Prevailing Religions. Source: Hunter et al., *Imperial Gazetteer of India*, Vol. 26 (Oxford: Oxford University Press, 1909), p. 15.

The sketch-maps, drawn by J.S. Cotton who had been Hunter's assistant on the first editions of the *Gazetteer*, depict the 'relative extent of British, Muhammadan, and Hindu power' in India (Figure 3 and Figure 4).³⁴ Shown in the customary imperial pink, the maps provide a cartographic representation of the historical story of British rule contained in the gazetteers which had, since the first publications of the *Imperial Gazetteer* in the 1880s, become the standard narrative of the development of 'India' for the British colonial government. They show British territory over the years and have become, in British historiography, the key moments in the territorial development of the Raj.³⁵ They depict the shrinking territorial ownership of India by Indians, providing the visual-cartographic representation for narratives of both British legitimacy and authority, and of Indian claims to territory through a historical-geographical legacy of legitimate rule.

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³⁴ Hunter et al., *Imperial Gazetteer of India*, p. iii.

³⁵ Hunter et al., *Imperial Gazetteer of India*.



FIGURE 3. Historical maps of India, 1765 and 1805. Source: Hunter et al, *Imperial Gazetteer of India*, Vol. 26 (Oxford: Oxford University Press, 1909), p. 28.



FIGURE 4. Historical maps of India 1837 and 1857. Source: Hunter et al, *Imperial Gazetteer of India*, Vol. 26 (Oxford: Oxford University Press, 1909), p. 29.

Reading the maps of the 1947 Punjab Boundary Commission

All of this historical cartographic analysis helpfully contextualises both the position and the limits of geographical data during the partition negotiations of July 1947. As noted at the end of the introduction, much of the geographical evidence put forward to the Boundary Commission actually muddled the waters because the maps were presented simultaneously (and in a somewhat contradictory manner) as political visions of the future territory of India, while at the same time representing a purportedly accurate cartographic representation of India at the time. While such evidence could have (and Spate was one of many to argue later that it should have) been more comprehensively applied, which would have resulted in a boundary that more closely resembled the Muslim League's line, the framework of legal

negotiation, judicial authority, and private backroom politicking contained and managed its influence.

The *Gazetteer* maps shown above, as well as the other ethnographic and linguistic maps included in the same atlas volume, depicted the spatial distributions of the various social and racial categories that the British had identified among their subject Indian population. The immediate effect of such ethnographic mapping was the obfuscation of local difference and variation. Instead it emphasised territorial boundaries which reflected, in broad brushstrokes, the social boundaries that the British deemed salient to the political and cultural organisation of India. Nationalists appropriated and mobilised these colonial maps in a variety of competing ways, as Sumathi Ramaswamy has expertly demonstrated.³⁶

In 1940, when Jinnah said ‘we find that even according to the British map of India we occupy large parts of this country where the Mussalmans are in a majority, such as Bengal, Punjab, N.W.F.P., Sind, and Baluchistan’,³⁷ he was invoking the standardised and widely-available cartographic images of colonial India, published in volumes like the *Imperial Gazetteer*, some of which have been reproduced above in Figures 2,3 and 4, to claim that not only was there a social division between Hindus and Muslims in India, but that it was reflected in a clearly visible spatial division as it had long been depicted on the ‘British map’. In his speech, later termed the Lahore Resolution, this ‘map’ (a composite colonial cartography) was used as justification for re-defining India’s Muslim population as a separate nation that was entitled to territorial sovereignty. Meanwhile, the Congress mainstream mobilised the same map in service of a different narrative, refusing to divide Hindus and Muslims in such a territorialised way and preferring to read the map as a visual representation

³⁶ Sumathi Ramaswamy, *The Goddess and the Nation: Mapping Mother India* (Durham, NC: Duke University Press, 2009).

³⁷ ‘Address by Quaid-i-Azam Mohammad Ali Jinnah at Lahore Session of Muslim League, March, 1940’ (Islamabad: Directorate of Films and Publishing, Ministry of Information and Broadcasting, Government of Pakistan, 1983).

of India's ability to maintain both its political unity and its cultural diversity.³⁸ The geographical data from which the maps were drawn did not necessarily support one narrative more clearly than another, and so the maps were put to work in the service of multiple, sometimes complementary, sometimes competitive, stories about India's past, present and future. Recalling Weizman's description of the putative border as a 'political plastic', these different narratives, drawn from the same cartographic material, shaped the border into multiple lines, existing simultaneously in the courthouse arena and as hypothetical futures.

The problem of contiguity

The Punjab Boundary Commission maps, and the arguments presented with them, provide an opportunity to examine just how differently the Indian nationalist parties understood the territory of the Punjab and its relationship to the rest of India and the future Pakistan. In these maps, the tensions between the affective rhetoric of religious nationalism, and the technical and economic realities of dividing territory, are clearly on display. They show how bordering imaginaries could be put to work in conflicting and competing ways by appealing to both scientific geographical knowledge and cultural and nationalist sentiments. After Partition, the border, now a legal line on a map and a boundary dividing the territory of the subcontinent, continued to function in similar ways, working both as a legal international boundary and as a mode of constructing new political (specifically national) identities in India and Pakistan. In her book *The Long Partition*, Zamindar traces the post-Partition development of Indian and Pakistani national citizenship through the use of passports, demonstrating how such bureaucratic state-centric activities contributed to the creation and enactment of new political identities.³⁹ After Partition, places that had once been accessible to many no longer were

³⁸ Ramaswamy, *The Goddess and the Nation*.

³⁹ Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007).

because movement across the new border suddenly rendered one either a citizen or a foreigner almost overnight.

Both sides crafted official claims that emphasised ‘contiguous majority areas’, because the Commissions’ Terms of Reference centred on the issue. Contiguity presented a fundamental problem, however, both for the political parties and the Commission, and is a recurring theme in the Boundary Commission documents. Determining contiguity in geographical practice requires a qualitative or subjective decision based on thorough knowledge of the population in question. In constructing arguments that accounted for ‘contiguity’, the parties before the Commission produced maps that depicted their desired boundaries in relation to contiguous populations on either side. But contiguity in the Punjab was difficult to determine because, as mentioned above (and as Manu Goswami has so carefully articulated), the colonial administration of the Punjab had constructed a singular unit bound together by administration, economy and infrastructure despite the diversity of the population.

Unsurprisingly, each side claimed much of the same contested area in the central belt of the Punjab. The British government’s insistence on contiguity was a fascinating political application of a technical geographical concept. The Muslim League’s claim was based on majority areas calculated by taking the *tehsil* (administrative area) as unit. The League argued that one of the most important decisions facing the Boundary Commission was the selection of a consistent unit by which to measure majority and minority populations. The League was specifically concerned with issues around gerrymandering and the inaccurate visualisation of population data through suspect map-making techniques. Zafrullah Khan noted that without a standard unit, both sides could claim large tracts of territory where their populations were, in fact, a minority. He argued that the Congress had done just that with its ‘Red Map’ (analysed in greater detail below), saying: ‘I have tried to make it clear the Commission should adopt

some standard, otherwise large areas on both sides can be claimed, as in fact on the other side they have been claimed, as majority areas which even a more cursory examination of the map would show were not majority areas of that particular community'.⁴⁰ In arguing this point, Zafrullah Khan drew attention to the competing cartographic claims of the two sides, and called upon geographical authority to point to a perceived illegitimate claim made by the Congress delegation. In so doing, he also implied that the legal process had a responsibility to adjudicate based on geographical accuracy rather than on compromise or exchange, or on more subjective or emotionally-charged claims such as religious or cultural heritage or affective relationships to place. Yet these other types of claims were also a key part of the legal process which, while shaped in part by the geographical discourse and geographical evidence adduced, put such evidence into conversation (or competition) with those claims.

It was therefore left to the justices and to Radcliffe to determine not just the geographical 'fact' of the matter, but its role in the overall effectiveness of the League's legal argument, which was a different task from simply adjudicating on the relative accuracy of the maps. If the task was purely technical, to accurately map the population and then draw a boundary accordingly, then the process would not have required the convening of a Boundary Commission, the meeting of delegates in courtroom hearings, and the elaborate performance of a pseudo-legal exercise. Indeed, the process could have been done by a technical expert in the field. But because the process was in fact a set of highly-charged political negotiations as well as a pseudo-legal procedure in which a formal boundary would be drawn, the space and the performance of the courtroom provided a veneer of both legal legitimacy and British authority, as well as Indian involvement, as Yasmin Khan and Lucy Chester have argued.⁴¹

'A giant gerrymander'?

⁴⁰ Sadullah, *The Partition of the Punjab, 1947*, p. 291.

⁴¹ Khan, *The Great Partition*; and Chester, *Borders and Conflict in South Asia*.

Commented [VS3]: Would border be better here?

Commented [FH4R3]: I've left boundary because convention in terminology tends to be that the drawing on a map is 'boundary-making' and the geopolitical entity that comes out of it is the border. There is some repetition here with Boundary Commission later in the sentence, but I think it's more accurate.

The Muslim League map (Figure 5) depicted the League claims to contiguity. In arguing for the *tehsil* as the standard unit by which the Boundary Commission should ascertain contiguous majority areas, Zafrullah Khan appealed to the administrative map that was already at work in the Punjab. He noted that by taking the *tehsil* as the standard unit, 'at any particular moment of time it would not be difficult to ascertain either the boundaries of a *tehsil* or other data, population, and so on'. *Tehsil* boundaries were relatively consistent and, while they were redrawn occasionally, compared to other smaller units they were less 'liable to alteration'.⁴² However, the League's proposed line did not neatly follow the pre-existing borders of *tehsils*, because it believed that the contiguous Muslim majority extended partly into *tehsils* that had non-Muslim majorities. On the map, these areas are depicted by green horizontal lines, and include parts of the Fazilka and Muktsar *tehsils*, which were 'in continuation of the Ferozepore *tehsil*' which the League claimed as a Muslim-majority *tehsil*. The League argued that this was different from the Congress map, in that the portions that the League claimed in the Fazilka and Muktsar *tehsils* had significant Muslim majorities which were contiguous with the rest of the League's claim. The Congress map, on the other hand, did not actually depict contiguity at all:

There is no contiguity to a compact area there in the case of the other side. Take Batala *tehsil*. Bits are left out at one end, bits are left out in the middle and other bits are taken. There is this distinction between the areas claimed by the particular method adopted by the other side and the areas claimed by the method adopted by this side. The areas claimed by us are contiguous and compact and have a majority.⁴³

Zafrullah Khan argued, in other words, that the Congress and League claims to contiguity were based on fundamentally different methods of determining majority populations. Spate grasped this and viewed the Congress method as a gerrymander, in contrast to the League method which he deemed consistent with geographical methods for mapping population. The

Commented [FH5]: Reference to Figure 5!

⁴² Sadullah, *The Partition of the Punjab, 1947*, p. 293.

⁴³ *Ibid.*, p. 303.

League map also depicted the League claims to part of the Pathankot *tehsil*; this claim was based on the ‘other factors’ clause, and was an attempt to keep the canal system intact. The Madhopur headworks, which controlled the Upper Bari Doab canal, were located in Pathankot *tehsil*, while the areas irrigated by the Upper Bari Doab canal had been claimed by the League based on contiguity and Muslim majorities.

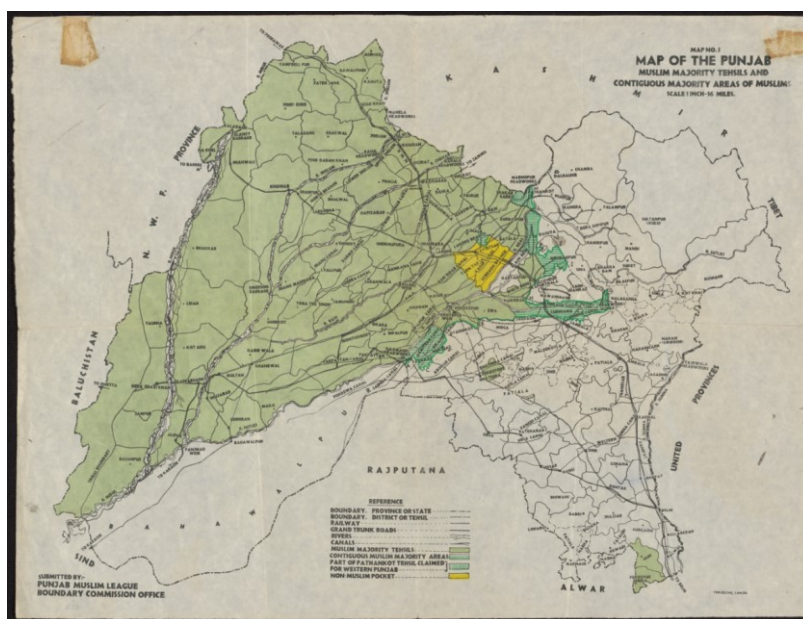


FIGURE 5. The Muslim League Map. This map, submitted to the Punjab Boundary Commission, showed the League’s proposed line, Muslim-majority *tehsils* in green, a non-Muslim-majority pocket in yellow, and non-Muslim-majority areas in white. ‘The Muslim League Map’, Papers of Oskar Spate, MS 7886, 6-1-1, National Library of Australia, Canberra. Permission for reproduction kindly granted by National Library of Australia.

While the League case rested, for the most part, on contiguity, the Congress case attempted to use the ‘other factors’ clause in the Terms of Reference to illustrate the ways in which the Punjab was an interconnected economic, cultural and infrastructural unit, and thus

to claim the majority of the province (and all of the contested regions). The maps actually depict this: the League map shows contiguous majority areas in green, which has the effect, of course, of erasing the presence of minorities on the map. The Congress map (Figure 6), on the other hand, attempts to cartographically depict a territorial connection between the non-Muslim population of the Punjab (Hindus and Sikhs, specifically) and a narrative of Punjabi 'homogeneity' and 'unity'.⁴⁴ Spate called the Congress map 'a giant gerrymander', arguing that it made a false geographical claim to contiguity. Even so, the logic of the 'Red Map' lay not in its geographical accuracy, but in its cartographic rendering of Congress arguments, which attempted to use the trappings of geographical authority in order to downplay the role of internal boundaries (and thus, the relevance of standard units for the purposes of creating a territorial partition) in differentiating areas and populations within the Punjab. The Congress case also highlighted the interconnectedness of the infrastructure, industry and heritage of the Punjab.

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⁴⁴ Sadullah, *The Partition of the Punjab*, 1947, p. 69.

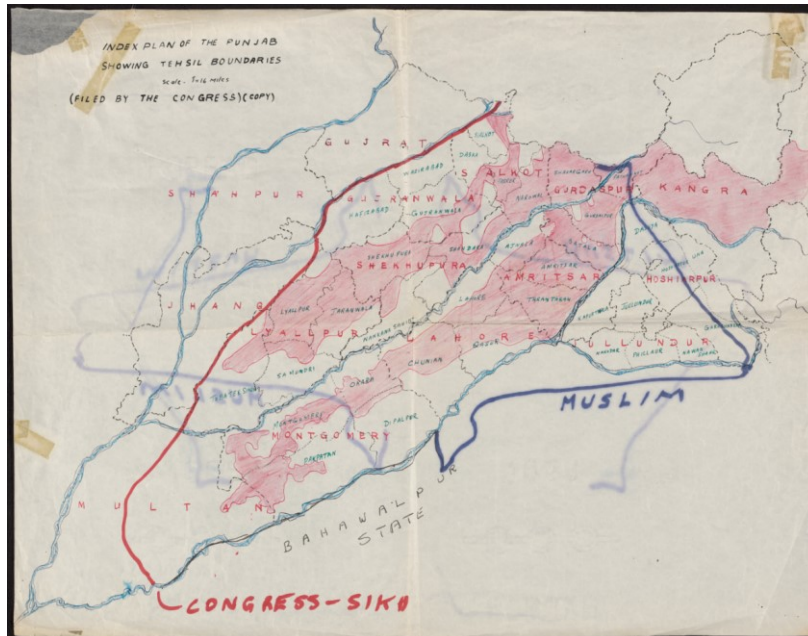


FIGURE 6: The Congress 'Red Map'. Source: Papers of Oskar Spate, MS 7886, 6-1-1', National Library of Australia, Canberra. Permission for reproduction kindly granted by National Library of Australia.

In one of the most illustrative examples of the Congress' insistence on such unity, its representative in court made a sweeping claim for the entirety of the Amritsar and Gurdaspur districts based on physical and infrastructural unity rather than population: 'the district of Gurdaspur, considering its physical features and the topography and its situation in reference to the canal scheme, is really one unit as it were with the Amritsar district...this division has been made for administrative purposes but in fact the districts are one homogeneous unit'.⁴⁵ And he went on: 'You will also notice that these two districts, Amritsar and Gurdaspur, are united by very close trade relations...there is rail and road communication coming up from Lahore to Amritsar, then from Amritsar on to Gurdaspur district and vice versa, inter-linking

⁴⁵ Sadullah, *The Partition of the Punjab*, 1947.p. 69.

Kangra Valley and the district of Kangra itself with Amritsar and Lahore'.⁴⁶ He expanded, arguing that Lahore should also be included in this 'bloc' due to its position within the same irrigation tract as Amritsar and Gurdaspur. He specifically referred to the Red Map to make the point:

If you turn to the map, you will notice that the headworks of the Upper Bari Doab canal are situated at Madhopur. This canal irrigates parts of Gurdaspur, a large part of Amritsar and goes on to irrigate parts of the Lahore district as well. If that tract is taken as a whole, you will find it ranges from Pathankot and extends into Lahore district and is a non-Muslim majority area and it is also contiguous. Taken as a whole, it starts from the Gurdaspur district, embraces about two-thirds of the Amritsar district and further includes more than half of the Lahore district. All this area is united by a very powerful factor, as it is irrigated by the same canal system.⁴⁷

Note to typesetter: please do not indent this sentence Importantly, here the claimed area was described in generalised terms and did not follow any administrative units or pre-existing boundaries. It encompassed bits and pieces of each of the districts he claimed ('two-thirds', 'more than half'), thus providing a geographical and territorial justification for the ambitious Congress claim. The Congress narrative thus emphasised the arbitrariness of internal boundaries within the province and, in a somewhat contradictory way, appropriated an intentionally-vague geographical language to challenge the validity or usefulness of the geographical concept of contiguous majority populations as a basis for the partition of the province. This narrative was in turn supported by a map that purported to show the substantial presence of non-Muslims in many districts which were actually Muslim-majority areas.

In more simple terms, both of the most powerful parties' arguments relied on the trappings of geography in the development of their territorial claims: technical terms like

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, p. 75.

‘contiguity’ and concepts like ‘standard units’, as well as the geographical authority of the cartographic image, were inserted into the debate. The use of geographical terms and geographical imagery does not, however, make a sound geographical argument, and Spate and the League were not alone in decrying parts of the Congress case in the Punjab as lacking in geographical rigour. After Partition, Oskar Spate argued in a speech to the Royal Geographical Society in London in December 1947, that the award made in the Punjab was problematic in geographical terms because it ceded too much territory to India which should have gone to Pakistan. In Bengal, he argued, the opposite had been the case: too much had gone to Pakistan and not enough to India. In his position as an outside observer with expert knowledge in geography, he surmised that, had the awards been different, a less violent outcome had been a possibility.⁴⁸

Conclusion

The scholarly criticism levelled at the Boundary Commissions, Radcliffe and Mountbatten has argued that they ignored the lessons of geographical knowledge and allowed the drawing of a boundary that defied geographical logic. However, such a claim belies the wider historical fact that geography’s scientific authority was contained and managed by the rules and function of the courtroom, in which geography became one of many kinds of knowledge put forward as evidence to be judged by those with the authority and wisdom to do so. Contemporary observers are certainly not wrong in their recent assertions that the process did not do enough to account for the geographical realities of the partitioned areas of the subcontinent. Yet the wider context of the historical geography of the time, as well as continued debates in geopolitics about the construction and maintenance of borders and boundaries, indicate that Partition in India and Pakistan was not uniquely affected by this

⁴⁸ Spate, ‘The Partition of India and the Prospects of Pakistan’, p. 5.

geographical 'blind spot'. Indeed, conventional geographical wisdom, then and now, would say that a territorial partition along identity lines is always a dangerous proposition, as Spate cautioned more than once. But boundary commissions have never been purely geographical in purpose; they are, rather, political bodies formed to carry out the geopolitical will of empires and nation-states.

Incorporating geographical knowledge into the wider Boundary Commission negotiations was at times a contradictory process, and was always shot through with political strategy. Geographical questions permeated the proceedings, but those proceedings were decidedly pseudo-legal both in practice and in theory, and geographical data was presented, interpreted and applied in legal terms. Perhaps unsurprisingly, the evidence often functioned more as a political tool than as a foundation for an evidence-based boundary decision. Had the boundary been drawn in the traditional spaces of geographical practice (in the 'field', as it were, or in a mapmaker's studio), geographical knowledge might have assumed a different, perhaps more authoritative role. But because such knowledge was brought into the courtroom, to be presented, dissected and ultimately judged by legal scholars and esteemed justices, the trappings of geographical authority (maps, surveys, studies of infrastructure and natural resources, agricultural and industry surveys) were themselves scrutinised by legal experts. Through the language of geographical authority, competing, contradictory and contentious claims to territory (in effect, competing visions of a boundary) were placed on trial, to be judged according to criteria that were designed to take some geographical concerns into account, but not to use geography as the sole basis for a final award. Even if the data presented to the Boundary Commissions had been more accurate and reliable, such data would not have alleviated the concerns (about political representation, sovereignty, security, resources) nor the claims (to territory, to history, to tradition) that formed the basis of the legal arguments made during the Punjab Boundary Commission hearings. Such a claim begs

the question: why did the veneer of geographical authority prove so attractive not only to the nationalist delegations but also to Mountbatten and the nationalist leaders in their articulation of the Terms of Reference for the Boundary Commissions? The archive explored here provides only limited insight into this question, but it is key to unpacking the complexities of the relationship between the Punjab Boundary Commission and the practice of geography.